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SCHWABE, WILLIAMSON & WYATT, P.C.
1420 FIFTH, SUITE 3400
SEATTLE, WA 98101-4010

EXAMINER	
WALSH, DANIEL I	

ART UNIT	PAPER NUMBER
2887	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/560,262	ZATLOUKAL ET AL.	
	Examiner	Art Unit	
	DANIEL WALSH	2887	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *3-24-10*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Zalewski et al (US 6,771,981).

Re Claim 1, Zalewski discloses a mobile station 4 having a radio frequency component 18 that is a known component of mobile phones, which is used to transmit and receive calls and messages using radio frequencies in a radio communication network, such a GSM network (col 6, lines 65-col 7, line3). A cover 100 is coupled to the mobile station 4 (col 7, lines 58-62). Such disclosure of a radio frequency component 18 teaches a component of a mobile communication device to output a first data, and the component being also equipped to facilitate a user in communicating with a user of another communication device, with the communication being facilitated at least in part over a wireless network. Zalewski discloses that a user may use mobile station 104 to send request for room SMS or the like to a central reservation site to reserve a hotel room. Central reservation site may send return SMS or the like comprising with room number, ID code, directions and other information (col 16, lines 35-42). Such disclosure teaches facilitating a user in providing an instruction to a component of a mobile communication device to output a first data. User may then proceed directly to room bypassing desk clerk. User then

may place mobile station close to door lock which comprises an interrogator. Lock interrogates cover 100 and the cover responds with code received from central reservation site. Thus door is unlocked (col 16, lines 42-47). Such disclosure teaches the output emulating an output of the first data by an active RFID transponder, and in response to the providing an instruction, outputting the first data in the form of a radio frequency signal, the outputting emulating output of the first data by an active transponder. Since the cover 100 responds to the interrogation of the door lock, the cover 100 is monitoring for proximal presence of the RFID reader.

Re the newly added limitations that the mobile communications device receives an instruction to transmit a first data to an RFID reader, as the first data is transmitted, it is interpreted that it is transmitted in response to an instruction, so as to know when the transmit the data, and what data to transmits (door lock 820 has an interrogator which instructs the device, as an example of receiving an instruction).

Re the newly added limitation of switching a transceiver of the mobile communications devices from a first state to a second state (first state outputting voice calls and second state outputting RFID signals in a format employed by a reader), though Zalewski et al. is silent to switching modes of a transceiver, the Examiner notes that Zalewski et al. teaches RFID and voice communication enabled by the device. Therefore, it would have been obvious to one of ordinary skill in the art to have circuitry/elements/processing units to perform such communications, as is conventional in the art. As the transponder of the device has circuitry to communicate with an interrogator, this is broadly interpreted as circuitry/elements, and it is well known and conventional in the art that the telephone for voice communication also has processing units/circuitry for voice communication. Therefore, it would have been obvious to

one of ordinary skill in the art, that such components/circuitry devices/phone including cover, etc. (RFID components and voice components for RFID and voice communication by the device) together are interpreted as the "transceiver" of the device (means to send and receive). Therefore, switching between elements to switch modes broadly reads on the claim, as using the device as a phone or using it for RFID communication is interpreted as different modes of the transceiver/communications circuitry/device. The Examiner notes that the different communication (RFID and voice) are understood to take place in different frequency ranges, as known in the art. Further, (col 4, lines 53+) Zalewski teaches active and passive modes, which can include controlling the central processing unit of the mobile unit. Therefore, as discussed above, the RFID functionality is interpreted as being tied to the mobile device, and its processor, and therefore separate outputs of a shared device, with shared processing, can broadly be interpreted as switching modes of the transceiver, as both wireless outputs are tied/linked/controlled by the same central processing/circuitry.

Re claim 2, as discussed above, the circuitry/elements for each of RFID communication and telephone communication are interpreted to read on the first and second signal processing units, since the Examiner notes it would have been obvious that the output of voice and RFID signals can be interpreted as signal processing units processing the signals (as the RFID provides a RFID signal and the phone provides a voice call/signal, and therefore these components of the transceiver are interpreted as signal processing units generating the corresponding signals. It would have been obvious that data is coupled to the transmission path (via RFID or voice), based on which mode/unit is used (since that mode/unit is the one communicating data for the desired means of communication).

Re claims 3, 4, 15-17, 22-24 and 35-37: Zalewski discloses a hotel door key.

Re claims 5 and 25: Zalewski further discloses that by means of a mobile station equipped with a suitable application module the user can make payments in a shop using his/her credit account (col 5, lines 35-40).

Re claim 6, the Examiner notes that it would have been obvious to one of ordinary skill in the art that the device, as it has a plurality of data, facilitates the user in selecting data, such as discussed above, in order to help the user communicate data.

Re claim 7, "facilitating provision" is very broad, and can be interpreted as the data getting to the device, as discussed above, for example.

Re claim 8, as data is output to the reader, it is interpreted as a reader format (compatible), and therefore a signaling attribute would be compatible as well, and be obvious to include in order to have a compatible signal.

Re claim 9, as discussed above, different types of data can be communicated, and therefore different data (first and second) are interpreted as possible. The Examiner notes that RFID data output is data, and therefore can broadly be read as data that can correspond to a passive tag, such as the example when the door is interrogating for a key. Further, the Examiner notes that data itself, can be data from a passive or active tag, in the sense of raw data, and therefore, the Examiner notes that the data output by a passive or even an active tag, need not be any different (an active and passive tag can both output same data).

Re claim 10, the limitations have been discussed above, wherein an interrogation/probing signal is sensed.

Re claim 11, the Examiner notes that the same data can be output (at different times, such as when purchases/access are being attempted at different times) and that as a RFID tag data is being output is interpreted to emulate that of a passive tag (where data is raw data). Further, different data at different times can also read on the claimed limitations. Re claims 12, 20, 32 and 40: Zalewski shows in Fig. 6 a wireless mobile phone 104.

Re claims 13, 14, 18, 19, 21, 26-31, 33, 34, 38 and 39, these limitations have been discussed above. The Examiner notes that it is understood (FIG. 2A+) that circuitry/elements include a storage medium to control operation of the device, as an obvious expedient to control how the device operates, and a processor to actually perform the steps, as known in the art for electronic components/systems.

3. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Zalewski et al (US 6,771,981), as discussed above, in view of Perttila et al. (US 20040087273).

Re Claim 1, Zalewski discloses a mobile station 4 having a radio frequency component 18 that is a known component of mobile phones, which is used to transmit and receive calls and messages using radio frequencies in a radio communication network, such a GSM network (col 6, lines 65-col 7, line3). A cover 100 is coupled to the mobile station 4 (col 7, lines 58-62). Such disclosure of a radio frequency component 18 teaches a component of a mobile communication device to output a first data, and the component being also equipped to facilitate a user in communicating with a user of another communication device, with the communication being facilitated at least in part over a wireless network. Zalewski discloses that a user may use mobile station 104 to send request for room SMS or the like to a central reservation site to reserve a hotel room. Central reservation site may send return SMS or the like comprising with room

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Re the newly added limitations that the mobile communications device receives an instruction to transmit a first data to an RFID reader, as the first data is transmitted, it is interpreted that it is transmitted in response to an instruction, so as to know when the transmit the data, and what data to transmits (door lock 820 has an interrogator which instructs the device, as an example of receiving an instruction).

Re the newly added limitation of switching a transceiver of the mobile communications devices from a first state to a second state (first state outputting voice calls and second state outputting RFID signals in a format employed by a reader), though Zalewski et al. is silent to switching modes of a transceiver, the Examiner notes that Zalewski et al. teaches separate RFID and voice communication enabled by the device. Therefore, it would have been obvious to one of ordinary skill in the art to have circuitry/elements/processing units to perform such communications, as is conventional in the art. As the transponder of the device has circuitry to

communicate with an interrogator, this is broadly interpreted as circuitry/elements, and it is well known and conventional in the art that the telephone for voice communication also has processing units/circuitry for voice communication. Therefore, it would have been obvious to one of ordinary skill in the art, that such components/circuitry devices/phone including cover, etc. (RFID components and voice components for RFID and voice communication by the device) together are interpreted as the "transceiver" of the device (means to send and receive). Therefore, switching between elements to switch modes broadly reads on the claim, as using the device as a phone or using it for RFID communication is interpreted as different modes of the transceiver. The Examiner notes that the different communication (RFID and voice) are understood to take place in different frequency ranges, as known in the art. Further, (col 4, lines 53+) Zalewski teaches active and passive modes, which can include controlling the central processing unit of the mobile unit. Therefore, as discussed above, the RFID functionality is interpreted as being tied to the mobile device, and its processor, and therefore separate outputs of a shared device, with shared processing, can broadly be interpreted as switching modes of the transceiver, as both wireless outputs are tied/linked/controlled by the same central processing/circuitry.

Zalewski is silent to explicitly reciting changing a transceiver mode/sharing a transceiver. Perttila et al. teaches such limitations (paragraph [0116]), where the Examiner has interpreted the teachings to support that the mobile devices transceiver can be used for voice (to connect the mobile device to the network) as well as to connect to the RFID reader. It's understood by the Examiner that Perttila et al. means a larger communications network as they indicate higher frequency signals would be used making it possible but difficult to combine

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Zalewski with those of Perttila et al.

One would have been motivated to do this to reduce costs/amount of parts, etc.

Re claim 2, as discussed above, the circuitry/elements for each of RFID communication and telephone communication are interpreted to read on the first and second signal processing units, since the Examiner notes it would have been obvious that the output of voice and RFID signals can be interpreted as signal processing units processing the signals (as the RFID provides a RFID signal and the phone provides a voice call/signal, and therefore these components of the transceiver are interpreted as signal processing units generating the corresponding signals. It would have been obvious that data is coupled to the transmission path (via RFID or voice), based on which mode/unit is used (since that mode/unit is the one communicating data for the desired means of communication).

Re claims 12, 20, 32 and 40: Zalewski shows in Fig. 6 a wireless mobile phone 104.

Re claims 3, 4, 15-17, 22-24 and 35-37: Zalewski discloses a hotel door key.

Re claims 5 and 25: Zalewski further discloses that by means of a mobile station equipped with a suitable application module the user can make payments in a shop using his/her credit account (col 5, lines 35-40).

Re claim 6, the Examiner notes that it would have been obvious to one of ordinary skill in the art that the device, as it has a plurality of data, facilitates the user in selecting data, such as discussed above, in order to help the user communicate data.

Re claim 7, "facilitating provision" is very broad, and can be interpreted as the data getting to the device, as discussed above, for example.

Re claim 8, as data is output to the reader, it is interpreted as a reader format (compatible), and therefore a signaling attribute would be compatible as well, and be obvious to include in order having a compatible signal.

Re claim 9, as discussed above, different types of data can be communicated, and therefore different data (first and second) are interpreted as possible. The Examiner notes that RFID data output is data, and therefore can broadly be read as data that can correspond to a passive tag, such as the example when the door is interrogating for a key. Further, the Examiner notes that data itself, can be data from a passive or active tag, in the sense of raw data, and therefore, the Examiner notes that the data output by a passive or even an active tag, need not be any different (an active and passive tag can both output same data).

Re claim 10, the limitations have been discussed above, wherein an interrogation/probing signal is sensed.

Re claim 11, the Examiner notes that the same data can be output (at different times, such as when purchases/access are being attempted at different times) and that as a RFID tag data is being output is interpreted to emulate that of a passive tag (where data is raw data). Further, different data at different times can also read on the claimed limitations. Re claims 12, 20, 32 and 40: Zalewski shows in Fig. 6 a wireless mobile phone 104.

Re claims 13, 14, 18, 19, 21, 26-31, 33, 34, 38 and 39, these limitations have been discussed above. The Examiner notes that it is understood (FIG. 2A+ of Zalewski) that circuitry/elements include a storage medium to control operation of the device, as an obvious expedient to control how the device operates, and a processor to actually perform the steps, as known in the art for electronic components/systems. Additionally, the Examiner notes that

Perttila et al. teaches such limitations (FIG. 9 and 2B) and also that it is understood that such components are obvious to include to one of ordinary skill in the art for electronic processing of data and communication.

Response to Arguments

4. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

The Examiner has broadly interpreted "transceiver" to include circuitry in the device responsible for communicating (whether it RFID or voice). Therefore, the elements of the device responsible for the RIFD and voice communications are interpreted as being part of the transceiver (such as units as per claim 21 for example) which can be switched based on the desired communication means (voice or RFID), and as discussed above, can be tied/linked to a common processor/circuitry.

Further, Perttila et al. teaches sharing a common transceiver, as well.

Additional Remarks

The Examiner notes that the Applicants drawings illustrate the RFID and voice circuitry can be separate hardware/software, and claim 21 claims separate signal processing sections, which be interpreted alternatively, as 2 transceivers. Therefore the Examiner notes that a device that has separate communicating elements can be interpreted as a device with the claimed transceiver switching modes, as the communication elements can be interpreted together as the transceiver (transceiver being the electronics of the device for communication). Therefore, with

regarding to switching modes of the transceiver, the Examiner notes that the communication sections of the phone can be interpreted as the transceiver, as switching between signal processing elements to switch modes broadly reads on the claim. Further, the Examiner notes that the mobile device itself can broadly be interpreted to function as a transceiver via the internal components, and therefore and therefore the internals of the device for communication can be interpreted as the transceiver of the device.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL WALSH whose telephone number is (571)272-2409. The examiner can normally be reached on M-F 9am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Paik can be reached on 571-272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANIEL WALSH/
Primary Examiner, Art Unit 2887